

c) Has been incarcerated for 15 months (without good time) of his 40 month sentence;

- D) Should defendant contract Covid-19, his likely outcome is Death;
- E) Defendants odds of contracting the Covid-19 infection is dramatically increased in a prison setting; especially since FMC Devens (his place of confinement) as of June 30th, 2020 has over 50 new positive tests for Covid-19;
- F) FMC Devens is inconsistent with Defendant insulin hours, NO stringent diet requirements and lack of proper menu items to satisfy his medical needs;

Wherefore Defendant prays this Honorable Court to:

- 1) Pursuant to general Order 20-17 (April 22, 2020) Appoint him counsel; and
- 2) Grant this Motion for Reduction of Sentence (RIS) and put forth order for Immediate Release of Defendant Constantine Xethalis.

Respectfully Submitted,

X 

Constantine Xethalis

Reg # 57365-039

FMC DEVENS

P.O. Box 879

AYER, MA 01432



United States Government
MEMORANDUM

Federal Medical Center, Devens
Ayer, Massachusetts

NOTIFICATION TO THE FMC INMATE POPULATION

DATE: June 4, 2020

REPLY TO /s/
ATTENTION OF: K. ELRAHEB, ACTING WARDEN

SUBJECT: Modified UPDATE

- To Date FMC Devens has 53 inmates which have tested positive with COVID-19.
- Housing units G-B, H-A, H-B, P-2 and P-3, will have access to tru-lincs and the phones in the units. We will continue to utilize every other phone in the units to maintain social distancing. The units will be open from 8:00 am to 4:00 pm. Inmates will have access to the showers during this time frame.
- Inmate work details who are housed in H-A will be permitted to shower, use the phone/tru-lincs and television rooms after the 4:00 pm count clears until 8:00 pm. Only those inmates are authorized out during that time.
- Housing units J-A, J-B, will have access to tru-lincs, phones, and TV's, however, these units will be allowed out on an upper/lower tier schedule. Half of the units will be allowed out in the morning and the other half in the afternoon. In between this time frame, inmate orderlies need to sanitize all areas within the unit to ensure we are doing our best to curb the spread of the Corona Virus.
- Inmates at the CAMP will remain confined to their quarters absent feeding times and work responsibilities.
- Wearing a mask is REQUIRED and non-negotiable. If you are caught not wearing a mask an incident report will be issued.
- Please continue to do the right thing by washing your hands, and practicing social distance with each other. All high touched areas such as computers and phones should be cleaned after each use.

Thank you for your continued support during this national crisis. We are not through this yet so don't get complacent.

**Bureau of Prisons
Health Services
Clinical Encounter**

Inmate Name: XETHALIS, CONSTANTINEQ

Date of Birth: ~~09/18/1988~~

Sex: M Race: WHITE

Reg #: 57365-039

Facility: MIL

Encounter Date: 06/18/2019 08:35

Provider: Weaver, Sarah NP

Unit: D03

Mid Level Provider - Evaluation encounter performed at Health Services.

SUBJECTIVE:**COMPLAINT 1** Provider: Weaver, Sarah NP**Chief Complaint:** Other Problem

Subjective: Presents to health services after responding to an insulin reaction in West unit. Patient was unable to get out of the bed. CO at room door, states "I had to help him off the top bunk". Patient has recently had elevated blood sugar levels and insulin for last night was increased by 20%. Patient states that he did not eat breakfast because he was having a reaction and unable to get out of bed. Patient was brought to health services "yelling". Blood sugar was 52, following the administration of two tubes of glucose. Unable to initially locate glucometer. Patient was then given glucagon. Patient was tearful, however, alert. Denies any other complaints. Patient allergies reviewed and updates applied during this visit if indicated. See Chart: Allergies for most recent patient allergy list.

Pain: Not Applicable**OBJECTIVE:****Pulse:**

Date	Time	Rate Per Minute	Location	Rhythm	Provider
06/18/2019	08:41 MIL	84			Weaver, Sarah NP

Respirations:

Date	Time	Rate Per Minute	Provider
06/18/2019	08:41 MIL	18	Weaver, Sarah NP

Blood Pressure:

Date	Time	Value	Location	Position	Cuff Size	Provider
06/18/2019	08:41 MIL	136/77				Weaver, Sarah NP

Blood Glucose:

Date	Time	Value (mg/dl)	Type	Regular Insulin	Provider
06/18/2019	08:42 MIL	102	Random		Weaver, Sarah NP
06/18/2019	08:41 MIL	52	Fasting		Weaver, Sarah NP

SaO2:

Date	Time	Value(%)	Air	Provider
06/18/2019	08:41 MIL	99		Weaver, Sarah NP

Exam:**General****Affect**

Yes: Cooperative

Appearance

Yes: Appears Distressed

Pulmonary**Auscultation**

Yes: Clear to Auscultation

**Bureau of Prisons
Health Services
Clinical Encounter**

Inmate Name: XETHALIS, CONSTANTINE

Date of Birth: ~~03/10/1968~~

Sex: M Race: WHITE

Encounter Date: 03/19/2020 10:32

Provider: Ruze, P. MD

Reg #: 57365-039

Facility: DEV

Unit: H01

Chronic Care - 14 Day Physician Eval encounter performed at Housing Unit.

SUBJECTIVE:**COMPLAINT 1** Provider: Ruze, P. MD**Chief Complaint:** Chronic Care Clinic

Subjective: 50 y/o WM MCL 3 with PRD 01/15/2022 here for 14 day chronic care with

- 1) DM type 1: since 1972, was using Lantus and short-acting insulin on the outside. Has had difficulty managing his diabetes in house given diet and exercise changes; these have been further exacerbated by the coronavirus precautions affecting the timing of insulin lines. He states he has been unable to get any commissary as well. Notes that his sugars have been low, especially around noon. He has used 6 glucose tabs in the past 7 days.
2. HTN: dx'd in 2007, compliant with meds
3. Hyperlipidemia: on atorvastatin
4. s/p MVA in 2012 resulting s/p open craniotomy resulting in depressive sx and R eye enlarged pupil.

We reviewed his recent labs:
3/17/20
WBC 6.0 4.8-10.8 10³/uL
RBC 4.86 4.70-6.10 10⁶/uL
Hemoglobin 14.5 14.0-18.0 g/dL
Hematocrit 43.4 42.0-52.0 %
MCV 89.4 80.0-94.0 fL
MCH 29.8 27.0-31.0 pg
MCHC 33.4 32.0-36.0 g/dL
RDW 11.6 11.5-15.5 %
Platelet 377 130-400 10³/uL
HbA1C 9.5%
TSH 2.3
lipid profil excellent with LDL of 46
glucose 67
Hep B non immune
Per MAR has been mostly attending insulin line--however this has been somewhat in flux given the coronavirus protocols and administering meds on the unit.

Pain: No**Seen for clinic(s):** Diabetes, Endocrine/Lipid, Hypertension**ROS:****General****Constitutional Symptoms**

No: Anorexia, Chills, Easily Tired, Fatigue, Fever

Cardiovascular**General**

No: Angina, Cold Extremities, Cough, Cyanosis, Edema, Exertional dyspnea

Pulmonary**Respiratory System**

No: Cough - Dry, DOE, Dyspnea

OBJECTIVE:**Exam:**

**Bureau of Prisons
Health Services
Clinical Encounter**

Inmate Name: XETHALIS, CONSTANTINE
Date of Birth: ~~09/24/1968~~
Encounter Date: 05/01/2020 11:47

Sex: M Race: WHITE
Provider: Ruze, P. MD

Reg #: 57365-039
Facility: DEV
Unit: H01

Physician - Follow up Visit encounter performed at Housing Unit.

SUBJECTIVE:

COMPLAINT 1 **Provider:** Ruze, P. MD

Chief Complaint: DIABETIC

Subjective: Mr. Xethalis is seen today on his housing unit due to COVID 19 precautions. I asked to see him to follow up on his sugar control. I noted that he has had low sugars on 4/21/20. Together we reviewed his BSL log from flow sheets and he advised me regarding his own FSBS testing. His sugars have been erratic which he attributes to the brittle nature of his diabetes as well as to limited exercise; high carbohydrate meals and stress. He had the following suggestions about control which I think are excellent:
1) change noon snack to AM snack. He states he gets low around 10AM and should eat; he generally doesn't need the snack given out at noon, since dinner is soon to follow.
2) add 2 units standing order insulin before lunch

Pain: He generally feels well and is generally doing fine.
No

OBJECTIVE:

Temperature:

Date	Time	Fahrenheit	Celsius	Location	Provider
05/01/2020	11:52 DEV	98.2	36.8	Oral	Ruze, P. MD

Pulse:

Date	Time	Rate Per Minute	Location	Rhythm	Provider
05/01/2020	11:52 DEV	80			Ruze, P. MD

Respirations:

Date	Time	Rate Per Minute	Provider
05/01/2020	11:52 DEV	12	Ruze, P. MD

Blood Pressure:

Date	Time	Value	Location	Position	Cuff Size	Provider
05/01/2020	11:52 DEV	110/60	Left Arm	Sitting		Ruze, P. MD

SaO2:

Date	Time	Value(%)	Air	Provider
05/01/2020	11:52 DEV	98		Ruze, P. MD

Exam Comments

Appears well; lungs clear; Cor RRR

ASSESSMENT:

Type 1 diabetes mellitus, E109 - Current

Unspecified disorder of eye and adnexa, H579 - Current

C. KETTER
57365039
PMC DEWES
DO BOX 879
Ayer, MA 01432

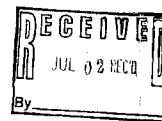
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